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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TIMOTHY MCCOY, an individual;
KENNETH KENNEDY, an individual;
ALISSA KING, an individual;

Plaintiffs,

v.

CITY OF LAS VEGAS, a political entity;
Officer JORGE CALOCA, an individual;
Officer MAURICE FRAZIER an individual;
Officer DAGMAWE WOLDEHAWARIAT,
an individual; Officer ALBERT PALTAO, an
individual; Officer JONATHAN
GALLEGOS, an individual; Officer SERGIO
GUZMAN, an individual,

Defendants.

Case No.: 2:25-cv-361

**RESPONSE TO DEFENDANT CITY OF
LAS VEGAS MOTION TO DISMISS**

Plaintiff TIMOTHY MCCOY, KENNETH KENNEDY, and ALISSA KING
("Plaintiffs") and through their undersigned counsel of record, the law firm of Kerr Simpson
Attorneys at Law, hereby respectfully submits this Response to Defendant CITY OF LAS VEGAS
Motion to Dismiss. This Opposition is made and based upon the pleadings and papers on file

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herein and the below Memorandum of Points and Authorities.

Dated this 21st day of April, 2025.

KERR SIMPSON ATTORNEYS AT LAW

/s/ George E. Robinson

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The current Motion to Dismiss is now moot as a First Amended Complaint was filed by the Plaintiffs. The original Complaint was filed on February 25, 2025. (ECF No. 1) Defendant City of Las Vegas filed its Motion to Dismiss pursuant to FRCP 12(b)(1) and 12(b)(6) on April 7, 2025. (ECF No. 6) The First Amended Complaint was filed on April 21, 2025. (ECF No. 10).

II. ANALYSIS

FRCP 15(a) allows Plaintiffs to amend their complaint once as a matter of course. Pursuant to FRCP 15(a) “(1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Here, Plaintiffs filed an amended Complaint within 21 days of the filing of the City’s Motion to Dismiss pursuant to FRCP 12(b). The City’s current Motion to Dismiss is now moot as the operative Complaint is now the First Amended Complaint filed on April 21, 2025.

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Dated this 21st day of April, 2025.

/s/ George E. Robinson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies on April 21, 2025, a true and correct copy of the **RESPONSE TO DEFENDANT CITY OF LAS VEGAS MOTION TO DISMISS** was served to the following at their last known address(es), facsimile numbers and/or e-mail/other electronic means, pursuant to:

 X **BY E-MAIL AND/OR ELECTRONIC MEANS:** F.R.C.P. 5(b)(2)(D) and addresses (s) having consented to electronic service, I via e-mail or other electronic means to the e-mail address(es) of the addressee(s).

 /s/ Jennifer Hogan
An employee of the KERR SIMPSON
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